

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1392

United States of America,

Appellee,

v.

Raymond J. Ramirez,

Appellant.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: September 19, 2003

Filed: September 29, 2003

Before RILEY, HANSEN, and SMITH, Circuit Judges.

PER CURIAM.

Pursuant to a written plea agreement, Raymond Ramirez (Ramirez) pled guilty to conspiring to distribute cocaine base, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(B). The district court¹ sentenced Ramirez to 120 months imprisonment and 8 years supervised release. On appeal, Ramirez's counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing the government unreasonably refused to file a motion for a downward departure based upon Ramirez's substantial assistance.

¹The Honorable James E. Gritzner, United States District Judge for the Southern District of Iowa.

In the plea agreement, however, Ramirez waived his right to appeal, with limited exceptions not applicable here. After carefully reviewing the record, we conclude Ramirez's challenge to his sentence is within the scope of the waiver, he entered into the plea agreement knowingly and voluntarily, and no miscarriage of justice would result from enforcing the waiver. See United States v. Andis, 333 F.3d 886, 889-91 (8th Cir. 2003) (en banc). Accordingly, we dismiss this appeal and grant counsel's motion to withdraw.
